

HUNGARY 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Hungary is a multiparty parliamentary democracy. The unicameral National Assembly (parliament) exercises legislative authority. It elects the president (the head of state) every five years. The president appoints a prime minister from the majority party or coalition in parliament following national elections every four years. In parliamentary elections in 2018, the Fidesz-Christian Democratic People's Party alliance led by Fidesz party leader Viktor Orban won a two-thirds majority in parliament. The Organization for Security and Cooperation in Europe election observation mission found that "fundamental rights and freedoms were respected overall but exercised in an adverse climate." Specifically, it characterized certain elements of the election as "at odds with the organization's commitments" and noted, "The widespread government information campaign was largely indistinguishable from Fidesz campaigning, giving it a clear advantage." Orban has been prime minister since 2010.

The National Police Headquarters, under the direction of the minister of interior, is responsible for maintaining order nationwide. The Counterterrorism Center is responsible for protecting the president and the prime minister and for preventing, uncovering, and detecting terrorist acts; it is directly subordinate to the minister of interior. The Hungarian Defense Forces are subordinate to the Ministry of Defense and are responsible for external security as well as aspects of domestic security and disaster response. Since 2015, under a declared state of emergency prompted by mass migration, defense forces may assist law enforcement forces in border protection and handling mass migration situations. In September the state of emergency was renewed for an additional six months. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed systematic abuses, although there were unconfirmed reports that security forces assigned to the southern border abused migrants attempting to enter the country.

Significant human rights issues included credible reports of: actions that aimed to interfere with or diminish the independence of the judiciary; arbitrary or unlawful

interference with privacy including targeting investigative journalists, opposition politicians, businesspersons, and other private citizens with high-tech surveillance spyware; restrictions on free expression and media, including criminal penalties for spreading a “distorted truth” or “scaremongering” or slander and libel (although court decisions limited the impact of the latter), the removal of the last major independent radio station from the airwaves, and restrictions on media content related to the “portrayal and promotion of homosexuality” and providing gender-affirming health care to minors; exposure of asylum seekers to risk of refoulement; corrupt use of state power to grant privileges to certain economic actors; political intimidation of and legal restrictions on civil society organizations, including criminal and financial penalties for migration-related work of nongovernmental organizations; and threats of violence by extremists targeting Roma and lesbian, gay, bisexual, transgender, queer, and intersex persons.

While the government took some steps to identify, investigate, prosecute, and punish officials who committed human rights abuses, action against high-level, politically connected corruption was limited.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings. There are no special bodies to investigate security force abuses. Authorities investigated and prosecuted alleged killings by members of the security forces in the same manner as alleged killings by civilians.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, but there were reports that

inhuman and degrading treatment and abuse sometimes occurred.

Nongovernmental organizations (NGOs) noted that the investigation of cases of mistreatment was often inefficient, the success rate of holding officials accountable for alleged mistreatment through indictments and prosecutions was low, and in some cases law enforcement officials (such as police officers and penitentiary staff) who were sentenced to suspended imprisonment for committing criminal offenses involving the mistreatment of detainees were permitted to continue working.

Prison and Detention Center Conditions

Official statistics and NGOs reported a decrease in prison overcrowding, while physical conditions in the prison system varied. There were occasional reports of physical violence by prison guards.

Physical Conditions: Prison overcrowding decreased due to the use of facilities built from steel shipping containers in 2020. In response to a freedom of information request by the human rights NGO Hungarian Helsinki Committee, the National Prison Administration reported that the prison occupancy rate was at 95.48 percent of capacity in February.

On January 1, a law that entered into force restricted government compensation payments to those imprisoned in inhuman conditions. By law compensation granted in the final and binding court judgment is to be transferred to the penitentiary account of the inmate and reserved until his or her release from prison. Human rights NGOs viewed the law as discriminatory, since the government as the violator in such cases had authority to determine what inmates could do with the compensation they received for violation of their rights by authorities. Inmates were also vulnerable to prison governors who could decide matters affecting their daily lives, including whether to grant inmates access to the compensation on an exceptional basis in order to send payments to their families and other contact persons. According to NGOs, inmates were not allowed to use such compensation to pay their attorneys' fees before their release. The new rules also excluded compensation for inadequate material conditions as long as the required living space was provided.

According to NGOs physical conditions in prisons varied, with dire conditions in some old prisons or parts of old prisons and better conditions in more recently built units.

Administration: NGOs reported that authorities occasionally failed to investigate credible allegations of mistreatment and that the investigation of cases of mistreatment (when undertaken) was often inefficient. There was no separate ombudsperson for prisons, but the ombudsperson's office handled complaints of police misconduct and mistreatment that did not reach the level of a criminal offense. The lack of a thorough and effective domestic investigation into claims of mistreatment and violation of the prohibition of torture was established in at least two judgments by the European Court of Human Rights (ECHR) in 2020 and 2021.

After a 16-month ban, the easing of COVID-19 pandemic restrictions made prison visits possible again effective July 1, but under significantly stricter conditions than before the pandemic. Only COVID-19-vaccinated detainees were allowed to accept COVID-19-vaccinated visitors. Authorities allowed inmates one visit per month by one person. As of August 1, one child older than age 12 was also allowed during a visit if both the child and accompanying adult were vaccinated. Children younger than 12 or unvaccinated family members were not allowed to visit. Human rights NGOs noted that rules for visits were not transparent and frequently changed by the director general of the Hungarian Prison Service.

Independent Monitoring: Authorities allowed the Council of Europe's Committee for the Prevention of Torture and the UN Subcommittee on the Prevention of Torture to conduct periodic and ad hoc visits to prisons and detention centers for both the country's citizens and foreign nationals. As of November the national preventive mechanism under the Optional Protocol to the UN Convention against Torture undertook 17 visits to the country (10 to prisons, one to a correctional facility, three to police facilities, and three to social institutions).

There has been no independent NGO monitoring of police detention centers and prisons since 2017, when authorities terminated monitoring agreements with NGOs.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Police are obligated to take into “short-term arrest” individuals apprehended while committing a crime or subject to an arrest warrant. Police may take individuals suspected of a crime or a petty offense into short-term arrest if they are unable or unwilling to identify themselves or are unaccompanied minors suspected of having run away. Short-term arrests generally last up to eight hours but may last up to 12 hours in exceptional cases. Police may hold persons under “detention for the purposes of public safety” for 24 hours. Persons who abscond from probation may be detained for up to 72 hours. Police, a prosecutor, or a judge may order detention of suspects for 72 hours if there is a well-founded suspicion of an offense punishable by imprisonment. A pretrial detention motion must be filed with a court prior to the lapse of the 72-hour period. A defendant may appeal a pretrial detention order.

Police must inform suspects of the charges against them at the beginning of their first interrogation, which must occur within 24 hours of detention. Authorities generally respected this right.

There is a functioning bail system. Representation by defense counsel is mandatory in the investigative phase if suspects face a charge punishable by more than five years’ imprisonment; their personal liberty is already restricted; they are deaf, blind, unable to speak, or have a mental disability; they are unfamiliar with the Hungarian language or the language of the procedure; they are unable to defend themselves in person for any reason; they are juveniles; or they are indigent and request appointment of a defense counsel. The court, prosecution, or the investigating authority (police) may also order a defense counsel in certain cases. Local bar chambers assign legal counsel to defendants who lack legal representation.

Police must inform suspects of their right to counsel before questioning them. The

law requires that police or the prosecutor suspend interrogation and wait for up to two hours for an attorney to arrive if the suspect invokes this right. Some attorneys reported the right to an effective defense was violated in several cases. For example, in some instances detainees and their defense counsels were required to meet where government security cameras could monitor them. If bar chamber-appointed attorneys refuse the case or do not respond within one hour of appointment, authorities assign the defense counsel. According to Hungarian Helsinki Committee statistics, authorities assigned at least a third of defendants' attorneys. The law permits short-term detainees to notify relatives or others of their detention within eight hours unless the notification would jeopardize the investigation. Investigative authorities must notify relatives of a detainee's short-term detention and its location within eight hours.

Pretrial Detention: An investigatory judge may order pretrial detention where there is a risk a detainee may flee, commit a new offense, or hinder an investigation. Cases involving pretrial detention take priority over other expedited hearings. A detainee may appeal pretrial detention.

When the criminal offense is punishable by life in prison, the law does not limit the duration of pretrial detention. The presence of defense counsel at hearings related to pretrial detention is not mandatory.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary. Some experts and legal scholars expressed concern regarding what they considered systemic threats to the country's judicial independence.

Amnesty International asserted in a February report that the government implemented several steps that reduced the independence and impartiality of judicial institutions. The report emphasized that the National Office for the Judiciary (OBH) president's unbalanced powers in court administration continued to undermine judicial independence. The European Commission's 2021 *Rule of Law Report* reported that the National Judicial Council continued to face challenges in counterbalancing the powers of the OBH president in terms of court management and the appointment of judges and court executives. The

commission's report for 2020 noted the National Judicial Council continued to face a series of structural limitations that prevented it from exercising effective oversight of the OBH president's actions. The report noted that the OBH president, Gyorgy Barna Senyei, had better cooperation with the National Judicial Council than his predecessor, but that cooperation was limited to the extent required by law, and no legislative steps were taken to address structural problems. For example, the OBH president repeatedly filled vacancies in higher courts without a call for applications and without the National Judicial Council's approval as required by law.

Amnesty International asserted that rhetoric by court executives or leaders and key figures in the judicial administration was intended to discourage judges from exercising their right to free expression. It considered the "integrity policy," which prescribed how judges should conduct activities outside of the court, an obstacle to judicial independence, because many of its provisions were open to the OBH president's interpretation. For example, after a criminal judge at the Metropolitan Court of Budapest published a professional article criticizing the country's nonarbitrary case allocation system (in which court presidents may decide which judges or chambers hear a case) for allowing court presidents to "misuse" their case allocation power to "influence the outcome of court cases," the president of the Curia (the equivalent of the Supreme Court) confronted the judge publicly and demanded that the statements be retracted.

The law permits the OBH president to transfer administrative judges outside the judiciary to administrative bodies, such as government offices, the State Audit Office, or the Public Prosecutor's Office. As of January 1, this was extended to all judges, including those adjudicating civil and criminal cases, and for an indefinite period. Independent NGOs warned that this type of transfer raised serious concerns because the transferred judges received a significantly higher remuneration in administrative roles and subsequently could be reinstated to judicial service as presidents of chambers without the otherwise required application procedure. Moreover, watchdogs cautioned that transferring judges outside the judiciary could blur the boundaries between courts and public administration and potentially threatened the right to a fair trial.

Based on 2019 legislative amendments that changed judicial appointment criteria,

parliament elected Andras Varga as Curia president, despite the National Judicial Council's near unanimous objection. On January 1, he began his nine-year term. The law allows Constitutional Court judges (who are not required to have served as a courtroom judge) to be appointed as members of the Curia, circumventing the otherwise obligatory application procedure. Applying this law in July 2020, at least six of eight newly appointed Curia judges lacked previous court experience, including Andras Varga, a former prosecutor and Constitutional Court judge. The European Commission's *2021 Rule of Law Report* noted that the appointment to the top judicial post without the involvement of a judicial oversight body (such as the National Judicial Council) did not meet European standards. The UN special rapporteur on the independence of judges and lawyers characterized Varga's election as an "attack on the independence of the judiciary" and "an attempt to submit the judiciary to the will of the legislative branch, in violation of the principle of separation of powers."

Amnesty International noted that parliament also increased the powers of the country's president, who in April appointed Andras Patyi as the deputy of the Curia president, despite his limited judicial experience.

Since July 2020 the law allows a procedure called "complaint for the unification of jurisprudence" to be initiated in the Curia, granting its president the power to appoint judges to panels conducting unification procedures, in the adjudication of individual cases, and in shaping the mandatory interpretation of the law. Legal watchdogs say this provision allows the Curia president to convene a panel of handpicked judges for the purpose of establishing or overturning legal precedent to suit the political interests of a political party. Critics have criticized the current Curia president, appointed in January to a nine-year term, as a loyalist of the ruling Fidesz party.

Independent press reported in July that a former judge filed a complaint to the European Commission, claiming she was removed from the country's judiciary in June because in 2018 she asked for a preliminary ruling from the European Court of Justice (ECJ) on sections of Hungarian law that restricted asylum applications. In its 2020 response to her request, the ECJ ruled that parts of the national asylum regulation under which asylum applications were rejected if the applicant entered Hungary from a so-called safe country, such as Serbia, contradicted EU law and

could no longer be applied by Hungarian courts. As a new judge in 2018, her permanent appointment depended upon her receiving a satisfactory performance appraisal after her preliminary three-year appointment. Three months before the end of her term, the Budapest Regional Court deemed her performance unsatisfactory and did not recommend her for permanent appointment to the bench. On June 30, her employment ended. Her March complaint to the European Commission included details of a private warning on the case by the court president and attacks on her in the government-aligned media.

Trial Procedures

The constitution and law provide for the right to a fair public trial, and the judiciary generally enforced this right.

Defendants are presumed innocent until proven guilty. Suspects have the right to be informed promptly of the nature of charges against them and of the applicable legal regulations, with free interpretation as necessary. Trial proceedings are public, although a judge may minimize public attendance and may order closed hearings under certain conditions. Trials generally occurred without undue delay. Defendants have the right to be present at their trial.

The law stipulates that the investigating authority shall schedule the interrogation to enable defendants to exercise their right to a defense. A summons for a court hearing must be delivered at least five days prior to the hearing. Defendants have the right to free assistance of an interpreter from the moment charged. Defendants may challenge or question witnesses and present witnesses and evidence on their own behalf. The law states that no one may be compelled to provide self-incriminating testimony or produce self-incriminating evidence. Defendants have the right of appeal.

Courts may not impose prison sentences on juveniles who are between ages 12 and 14 when they commit an offense but may order their placement in a juvenile correctional institute.

Some observers and legal experts asserted that the country's system for assigning defense attorneys and the low compensation provided to those attorneys could hinder criminal defendants' access to adequate legal representation and,

consequently, to a fair trial (see section 1.d.).

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations through domestic courts. Individuals or organizations that have exhausted domestic legal remedies regarding violations of the European Convention on Human Rights allegedly committed by the state may appeal to the ECHR for redress.

Property Seizure and Restitution

The government has laws and mechanisms in place, but the government did not make significant progress on the resolution of remaining Holocaust-era claims, including for foreign citizens.

In April the Federation of Hungarian Jewish Communities (Mazsihisz) announced that two orthodox Jewish groups, the Unified Hungarian Jewish Congregation and the Hungarian Orthodox Jewish Community, sued Mazsihisz at the Jerusalem Supreme Rabbinical Court regarding the revision of the government-paid restitution annuity for confiscated Jewish properties. In June the court (which holds no legal jurisdiction in Hungary) called on the government to freeze the payments in a nonbinding injunction until new criteria for the division of the annuity were defined. As of November the government had not revised the payment of the restitution annuity.

The government has not agreed with the World Jewish Restitution Organization on a roadmap for negotiations on resolving Jewish heirless property restitution and compensation.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report to Congress*, released publicly in July 2020, can be found at the Department's website at <https://www.state.gov/reports/just-act-report-to-congress/>.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, but there were reports that the government used advanced spyware (Pegasus) to surveil or compromise the privacy of journalists, lawyers, businesspersons, and politicians.

On July 18, an international team of investigative journalists including a domestic media outlet reported that spyware manufactured by a foreign cybersecurity firm, NSO Group (Pegasus), was used to surveil investigative journalists and media owners as well as lawyers and politicians. Forensic investigations of telephones that appeared on a leaked list of 300 local numbers determined that some of them had been compromised by the spyware, including those of investigative journalists. The government stated that national security services had not engaged in “illegal surveillance” since the government’s election in 2010. In November a senior Fidesz member of parliament and chair of parliament’s defense and law enforcement committee stated the Ministry of Interior had purchased Pegasus and that in every case, its use had been sanctioned by the Ministry of Justice or the courts. An opposition Jobbik member of parliament and chair of parliament’s National Security Committee confirmed this.

There is no requirement for the Counterterrorism Center, or in certain cases the national intelligence services, to obtain prior judicial authorization for surveillance in national security cases that involve terrorism. In such cases the justice minister may permit covert intelligence action for 90 days, with a possibility of extension. Such intelligence collection may involve secret house searches, surveillance with recording devices, opening letters and parcels, and checking and recording electronic or computerized communications without the consent of the persons under investigation. A decision to approve a covert intelligence action is not subject to appeal.

The country’s criminal procedure code establishes a regime for covert policing and intelligence gathering. The law gives prosecutors unrestricted access to information obtained through covert investigations.

Legal experts noted that the country’s national security laws made it relatively easy

for the justice minister to authorize surveillance activities against private citizens not suspected of criminal activity. The ECHR noted in a 2016 ruling that under the loose regulations on secret information gathering, virtually anyone could be put under surveillance, with the order “taking place entirely within the realm of the executive” and without “an assessment of strict necessity or effective remedial measures.” In January the government replied to the decision, stating that the “examination of the requirements stemming from the judgment in terms of legislative amendments, which is currently underway, is expected to take some time.” There was no further action.

Local media reported that as of July 19, the Ministry of Justice had approved 928 surveillance permits, approximately five approvals per day. Reaching nearly 75 percent of the 1,285 permits issued in all of 2020, the pace of surveillance permits indicated a significant year-on-year increase in the approval of surveillance permits.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for the press and other media, who were active and expressed a wide range of views. In a March 30 report, the Council of Europe’s commissioner for human rights asserted that “the combined effects of a politically controlled media regulatory authority and distortionary state intervention in the media market have eroded media pluralism and freedom of expression.” On November 22, the UN special rapporteur on freedom of opinion and expression stated that “by exerting influence over media regulatory bodies, providing substantial state funds to support progovernment media, facilitating the expansion and development of media that follow a progovernment editorial line, and ostracizing media outlets and journalists reporting critically on the government,” authorities undermined media diversity, pluralism, and independence. There were some formal restrictions on content related to “hate speech” and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) topics (see below and in section 6). The government allegedly

targeted the mobile phones of several investigative journalists with foreign spyware (see section 1.f.).

In March 2020 as part of the government’s legislative package declaring a state of emergency due to the COVID-19 pandemic, parliament amended the criminal code to increase the penalty for spreading a “falsehood” or “distorted truth” (“scaremongering”) that could obstruct or prevent successful protection under a special legal order to imprisonment of up to five years (see section 3 for more on the state of emergency). As of June, 196 reports were filed for investigation for the suspicion of scaremongering. A March 30 report by the Council of Europe’s commissioner for human rights stated, “the high number of investigations launched, including in cases that undoubtedly involved expressions of opinions demonstrate the ambiguity of the amendment.” Free speech advocates and media observers asserted that the existence of the law, even in the absence of its widespread implementation, discouraged the free expression of ideas and objective reporting of the news.

The European Commission’s 2021 *Rule of Law Report* asserted that the May 2020 government decree that allowed public authorities to delay access to public data by up to 90 days so as not to “jeopardize” official duties during the COVID-19 pandemic state of emergency, further restricted access to information and inhibited independent media outlets’ ability to report news in a timely manner.

A drone law in effect effective January 1 requires a permit to operate flying objects weighing more than 4.2 ounces and made the publication of drone footage of property without the owner’s permission a crime punishable by up to a one-year prison sentence. Independent media had used drone footage to supplement investigative reports on alleged corruption and government misdeeds. In its 2021 *World Press Freedom Index*, Reporters Without Borders asserted that the restrictions on taking pictures and videos by drones narrowed the scope of press freedom.

Freedom of Expression: Criminal law provides that any person who incites hatred against any national, ethnic, racial, religious, or certain other designated groups of the population may be prosecuted and convicted of a felony punishable by imprisonment for up to three years. The constitution includes hate speech

provisions to “protect the dignity of the Hungarian nation or of any national, ethnic, racial, or religious community.” The law prohibits the public denial of expression of doubt regarding, or minimization of the Holocaust, genocide, and other crimes of the National Socialist (Nazi) and communist regimes; such crimes are punishable by up to three years in prison. The law also prohibits as a misdemeanor the wearing, exhibiting, or promoting of the swastika, the logo of the Nazi SS, the symbols of the Arrow Cross, the hammer and sickle, or the five-pointed red star in a way that harms human dignity or the memory of the victims of dictatorships. The media law also prohibits media content intended to incite hatred or violence against specific minority or majority communities and their members. The law includes the provision that media content must not have the potential to instigate an act of terrorism.

A 2018 law that imposes a 25 percent tax on civil entities that aid or promote immigration remained in force. Several NGOs criticized the law, noting that it penalizes the public expression of opinions different from that of the government (see section 5). According to press reports, no entity had paid any tax in 2020 under the law, and no known tax office investigation or audit had been conducted to that effect.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Independent media were active and expressed a wide variety of views, with some legislative restriction on LGBTQI+ content (see section 6).

Several media providers criticized the “antipedophile” law passed in June that banned the “promotion” and “portrayal” of “gender reassignment” and homosexuality to minors in media and advertisement. On June 14, the commercial television group RTL Hungary released a statement asserting that the new regulations violated freedom of expression and caused “significant economic damage” to all domestic media players. Other media companies, such as A+E Networks UK, AMC, HBO, WarnerMedia, and ViacomCBS, expressed support for RTL’s statement, and some issued statements of their own.

In its 2021 *Rule of Law Report*, the European Commission noted concerns that while a broad range of media outlets continued to operate in the country, the diversity of the media market was negatively affected by the concentration of

ownership in the hands of a few progovernment businesspersons, especially through the Central European Press and Media Foundation, and the resulting lack of editorial independence.

Some progovernment outlets relied almost completely on government advertising for their revenues. The European Commission's *2021 Rule of Law Report* stated that "significant amounts of state advertising have continued to permit the government to exert indirect political influence over the media." The *2021 Media Pluralism Monitor* reported that the state was the largest advertiser, spending approximately one-third of the total advertising revenue of the market, putting editorial independence at a high risk.

Independent media claimed to have been excluded in a discriminatory fashion from the events and press conferences of government and government-linked entities, thus depriving them of free and fair access to public officials to ask them challenging questions. For example, some outlets were not allowed to attend the prime minister's June 10 annual press conference.

The National Media and Info-Communications Authority (NMHH), subordinate to parliament, is the central state administrative body for regulating media. The authority of the NMHH includes overseeing the operation of broadcast and media markets as well as "contributing to the execution of the government's policy in the areas of frequency management and telecommunications." The NMHH president, who is nominated by the prime minister, serves as the chair of the five-member Media Council, the decision-making body of the NMHH that supervises broadcast, cable, online, and print media content and spectrum management. In a March 30 report, the Council of Europe's commissioner for human rights raised concerns that the president of NMHH was a political appointee who "holds extensive and concentrated powers for nine years over all regulatory, senior staffing, financing, and content matters across all media sectors."

The Media Council consisted exclusively of persons named by the governing parties. Some experts criticized the Media Council's radio frequency awarding practices for allegedly penalizing radio stations that were critical of the government. On February 15, the country's last major independent radio station, Klubradio, ended broadcasts after a court upheld a September 2020 decision by the

Media Council not to extend the station's broadcasting license based on its alleged failure to comply with certain administrative obligations. The Media Council subsequently rejected Klubradio's new application for the same frequency, although it had submitted the only qualified bid. On June 17, the Curia upheld the Media Council's decision. On June 9, the European Commission launched an infringement procedure regarding the Klubradio's case, calling the Media Council's justification of its decision to deny the frequency license "highly questionable" and characterizing the move as "disproportionate and nontransparent." Forced to broadcast exclusively online, as of August Klubradio reached only 10 percent of the 200,000 daily listeners it had when it was on the airwaves.

The state news agency, MTI, which offers its services free of charge, is mandated by law to provide balanced, objective, nonpartisan coverage. Media watchdogs and independent outlets criticized the state media for concealing facts and opinions unfavorable to the government.

Parliamentary press regulations restrict the movement and work of journalists in parliament to a small cordoned off area. The speaker of parliament, Laszlo Kover, has the authority to ban parliamentary access for journalists for alleged violations of these rules. In April the Curia rejected the lawsuit against the speaker of parliament brought by a media outlet for using his authority to obstruct journalists' activities.

Violence and Harassment: There were no reports of violence against journalists or of physical or legal harassment. Nevertheless, government officials and government-aligned media continued to refer to some independent journalists as "Soros agents" or "Soros mercenaries" and independent media as the "Soros media" or the "Soros blog." The government has long portrayed Hungarian-American businessman/philanthropist George Soros as the mastermind behind numerous purported plots against the country. The anti-Soros campaign has anti-Semitic overtones, as the prime minister and others link Soros and the purported plots to "shadowy globalist forces." For instance, on the anniversary of the 1956 revolution, the prime minister accused the opposition of competing to represent the interests of Soros and the EU, aiming to "take Hungary from the hands of Mary and place it at the feet of Brussels."

On multiple occasions, government-aligned outlets criticized nongovernment-aligned, independent, and international journalists by name for their reporting.

In April the public television channel M1 broadcast a six-minute report that attacked an Austrian journalist for “provocative allegations disguised as questions” sent in an email to Fidesz’s delegation to the EU for an article in an Austrian magazine. The report referred to her as an “amateur journalist” for the “left-liberal press,” and displayed her name and photograph while drawing attention to previous articles she wrote on the prime minister. Foreign Minister Peter Szijjarto wrote on his Facebook page that the journalist was “spreading fake news.” Reporters Without Borders condemned the attack on her professional credentials, and the Association of European Journalists called the M1 report an attempt to damage the professional reputation of a journalist.

Censorship or Content Restrictions: The law provides content regulations and standards for journalistic rights, ethics, and norms that are applicable to all media, including news portals and online publications. It prohibits inciting hatred against nations; communities; ethnic, linguistic, or other minorities; majority groups; and churches or religious groups. It provides for maintaining the confidentiality of sources with respect to procedures conducted by courts or authorities.

The law mandates that public service media providers pursue balanced, accurate, detailed, objective, and responsible news and information services. These requirements were often disregarded. Opposition politicians complained that they were rarely able to appear on public television and radio or were given significantly less time to articulate their positions. There were reports that public media was instructed to cover the COVID-19 pandemic in specific ways, including which photographs could be shared.

The Media Council may impose monetary fines for violations of content regulations, including on media services that violate prohibitions on inciting hatred or violating human dignity or regulations governing the protection of minors. The Council may impose fines of up to 200 million forints (\$666,000), depending on the nature of the infringement, type of media service, and audience size. It may also suspend the right to broadcast for up to one week. Defendants may appeal Media Council decisions but must appeal separately to prevent the implementation

of fines while the parties litigate the substantive appeal.

On March 4, the Media Council opened administrative legal procedures against the commercial television channel RTL Klub on child protection grounds for airing an ad campaign in support of LGBTQI+ families; the case was pending at year's end.

Libel/Slander Laws: Journalists reporting on an event may be judged criminally responsible for making or reporting false statements. Both individuals and media outlets may be sued for libel for their published statements or for publicizing libelous statements made by others. Plaintiffs may litigate in both civil and criminal courts.

Public officials and other public figures continued to use libel and defamation laws in response to criticism from citizens and journalists. On May 6, an appellate court in Budapest upheld a lower court's November 2020 ruling to convict a reporter for independent news site *444.hu* on a criminal defamation charge. The court issued a reprimand, meaning that the conviction was to remain on the journalist's criminal record for three years, but it did not otherwise impose any penalty. The charges stemmed from a 2017 article accusing a Fidesz-linked Budapest city district council member of harassing the journalist while she attempted to report his presence at a party forum. The government-aligned publisher Mediaworks sued its former sports journalist for defamation after he criticized the editorial practice in one of its outlets. In February the court ruled in favor of the journalist.

Opposition politicians and government-critical private individuals sued government-aligned media outlets in several cases. Courts tended to pass verdicts that protected private individuals from libel or slander by government-affiliated media and their reporters. At the beginning of the year, progovernment media outlets ran hundreds of articles that mischaracterized statements by a leading independent political analyst concerning the use of Russian and Chinese COVID-19 vaccines. Government officials including the prime minister repeated the misleading assertions. Media frenzy regarding the remarks resulted in threats of physical harm against the analyst and his family. Although the analyst won several lawsuits against the progovernment media outlets that misrepresented his remarks, no government officials retracted their criticism of him.

Internet Freedom

The government did not restrict or disrupt access to the internet and generally did not censor online content. There were no reports the government monitored private online communications without appropriate legal authority. Experts pointed out, however, that formal approvals of secret surveillance activities against citizens were relatively easy to obtain (see section 1.f.).

In cooperation with internet service providers, the NMHH maintained a nonpublic database to store and cooperate in the implementation of court rulings and tax authority resolutions to block websites that violate the law, including content-related legislation.

Academic Freedom and Cultural Events

The higher education law requires universities from non-EU countries to have a physical presence in their country of origin, operate under an intergovernmental agreement between Hungary and the country of accreditation, and stipulates that the university's name in Hungarian reflects an exact translation of the name in the country of origin. Following a ruling by the European Court of Justice (ECJ) in October 2020 that declared the law in breach of EU law and World Trade Organization fair market access rules, in May the government revoked part of the law that forced U.S.-accredited Central European University (CEU) to transfer most of its operations to Vienna. The legislative change removed the requirement that foreign universities must be state-recognized higher education institutions providing such education in their home countries. The law stipulated that higher education institutions established outside the European Economic Area may offer degree programs under a signed agreement between Hungary and the government of the institution's country of origin and that a foreign institution's education be equivalent to that offered by Hungarian higher education. A similar requirement of an intergovernmental treaty forced the CEU to move from Budapest in 2019 as the government declined to sign the draft agreement to bring CEU into compliance with the law.

In July the Constitutional Court closed the CEU case without a ruling, which it suspended in 2018. The Constitutional Court stated that the petitions became

obsolete after parliament adopted new legislation.

Under legislation passed by parliament in May 2020, the government assigned private foundations the right to operate six public universities starting in August 2020. On April 27, the ruling Fidesz majority in parliament voted to transfer control of another 11 public universities and billions of dollars of state assets to private foundations, which as a result gained control over 70 percent of the country's higher education institutions. On April 30, the prime minister stated that the format would make universities more efficient and competitive and added the foundations would be overseen by "national-minded" individuals, as opposed to "internationalist or globalist" persons. On July 2-3, the Venice Commission, the Council of Europe's body of constitutional experts, issued an opinion that these public-asset management foundations might jeopardize academic freedom and weaken the autonomy of higher-education institutions (see section 4).

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedom of peaceful assembly, and the government generally respected this right. The constitution and law provide for freedom of association, and the government generally respected this right, with some exceptions.

Freedom of Peaceful Assembly

The constitution includes a provision on the protection of privacy, which stipulates that freedom of expression and the exercise of the right to assembly shall not harm others' private and family life and their homes, potentially restricting protests in public spaces near politicians' homes and protests in other public spaces that have apartments nearby. The law also permits the government to regulate public demonstrations, including holding organizers liable for damages caused by their events, and to ban protests in advance. Under the law authorities may ban or dissolve gatherings that unnecessarily and disproportionately harm the "dignity of the Hungarian nation or of any national, ethnic, or religious community." The law also criminalizes the nonviolent disturbance or impediment of a demonstration.

The criminal code provides that harassment of "official persons" (including members of parliament, judges, and prosecutors) when they are not performing

public duties is a crime punishable by up to three years' imprisonment.

In November 2020 during the COVID-19 pandemic, the government enacted a blanket ban on assemblies in public spaces and imposed monetary fines for violations of up to 500,000 forints (\$1,670) for participants of banned protests. Human rights groups criticized the blanket ban as disproportionate. On March 15, several hundred individuals took part in a protest organized by far-right party Mi Hazánk in Budapest against the government's lockdown restrictions despite the ban on assemblies. Protesters gradually dispersed after police began checking identification documents. In June the ban was lifted.

Freedom of Association

In May the government adopted legislation that repealed the 2017 law on "foreign-funded NGOs" and at the same time mandated the State Audit Office (SAO) to annually report on NGOs that had an annual budget greater than \$66,000 and were "capable of influencing public life." Sports, religious, and national minority organizations were exempted (see section 5).

A 2011 law on religion deregistered more than 300 religious groups and organizations that had previously held incorporated church status; most were required to reapply for registration. The government has not approved any applications for incorporated church status since it amended the law in 2012, but it approved many applications for a lesser status of religious organizations. In 2019 an amendment to the law entered into force creating four different statuses for religious organizations. Observers noted that while the amendment provides a simpler procedure for religious entities to gain an intermediate-level status, it only restores some of the rights those religious groups could exercise before 2011.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel,

emigration, and repatriation, and the government generally respected these rights.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with and provided the Office of the UN High Commissioner for Refugees (UNHCR) access to refugees and asylum seekers, apart from those held in detention under the aliens' policing procedure.

Access to Asylum: The law provides for asylum and establishes a procedure for asylum seekers outside the country to apply for it, but UNHCR stated in June 2020 that the law (see below) “further undermines the effective access to territory and asylum for those fleeing wars and persecution which had been already seriously constrained before.”

In May 2020 the government closed the two transit zones on the Hungary-Serbia border following the ruling of the ECJ that classified them as places of unlawful detention and in breach of EU law. In June 2020 it introduced an asylum system according to which asylum seekers must first make a declaration of intent stating their wish to apply for asylum at a Hungarian embassy outside the EU – limited to Serbia and Ukraine – and be issued a special entry permit to Hungary for the purpose of applying for international protection. The asylum authority has 60 days to examine the statement of intent and make a proposal to the embassy whether to issue the asylum seeker a special single-entry travel permit to enter Hungary. If the permit is issued, the asylum seeker must travel on their own to Hungary within 30 days and, upon arrival, immediately identify themselves to the border guards who present them to the asylum authority within 24 hours. Those not granted the special single-entry permit at one of the embassies may not request asylum in the country. During this time the asylum seeker is not entitled to accommodation or any support services and is not entitled to any legal protection.

One family's statement of intent was assessed positively in November 2020 and the asylum authority granted family members single-entry permits in order to apply for asylum in Hungary, where their asylum applications were approved.

According to the Hungarian Helsinki Committee, between January and June, there were 42 statements of intent submitted, of which four were approved, 32 were rejected, and six were pending. In October 2020 the European Commission opened an infringement procedure due to the asylum rules, which it considered to be unlawful as they preclude persons who are in the country's territory, including at the border, from applying for international protection. On July 15, it referred the country to the ECJ for unlawfully restricting access to asylum procedures.

As a matter of policy, all third-country nationals who do not have the right to remain in the country (e.g., a valid visa or residence permit), regardless of where they are located, are "escorted" to the other side of the fence along the border with Serbia. In December 2020 the ECJ declared this practice, known as pushbacks, in violation of EU law.

On January 27, Frontex, the EU agency responsible for monitoring external borders, announced that it was suspending operations in Hungary. The decision came as Hungary has continued to push back (expel) migrants into Serbia without observing legal safeguards, despite a December 2020 ECJ ruling declaring the practice in violation of EU law. On January 27, EU Commissioner for Home Affairs Ylva Johansson tweeted that "after the ECJ ruling demanding Hungary stop push-backs into Serbia, the suspension of Frontex border operations in Hungary is welcome."

On November 12, the European Commission requested the ECJ impose financial penalties for noncompliance with the court's December 2020 ruling. In February the government brought the matter before the Constitutional Court, arguing implementation of the ECJ ruling would be contrary to the country's constitution. EU Commissioner for Justice Didier Reynders criticized this measure as "unacceptable," calling into question of the primacy of EU law. On December 10, the Constitutional Court avoided ruling on the primacy of the EU law in the case, but it stated that the government had the right to apply its own measures under certain circumstances.

On July 8, the ECHR ruled that automatic pushbacks of asylum seekers carried out by authorities were in breach of the prohibition of collective expulsion enshrined in the European Convention on Human Rights. The ruling concerned the case of a

Pakistani citizen who crossed the Serbia-Hungary border without papers in 2016 and was forcibly removed by Hungarian police to the external side of the Hungarian border fence without an effective domestic legal remedy at his disposal. The ECHR ordered the government to pay the applicant 5,000 euros (\$5,750) in nonpecuniary damages.

In a March 10 press release, UNHCR stated that it “deplored” the government’s February 27 decision to extend by another six months the “crisis situation due to mass migration,” which authorizes police to automatically remove (pushback) third-country nationals intercepted for unlawfully entering or staying in Hungary. “As a result of this decision, people who may be in need of international protection are denied access to territory and asylum procedures,” UNHCR stated. The government introduced the “crisis situation due to mass migration” in certain counties near the Serbian border in 2015 and broadened it to the whole country in 2016, also authorizing the armed forces to assist police at the borders. The government’s prolonging of the crisis situation “follows a string of concerning developments impeding access to asylum” and despite a 75 percent decrease in the number of arrivals to the EU compared with 2016, UNHCR noted.

In December 2020 the European Commission launched an infringement procedure for widely exempting the application of EU public procurement rules related to migration during the “crisis situation.”

Safe Country of Origin/Transit: The government maintained lists of “safe countries of origin” and “safe third countries.” Both lists included Serbia, Bosnia and Herzegovina, and Kosovo. UNHCR repeatedly objected to the government’s designation of Serbia as a safe third country on the grounds that it does not have effective asylum procedures. The law states that persons arriving in the country “through a country where he or she was not exposed to persecution or a direct risk of persecution should not be entitled to asylum.” Parliament also amended the asylum law and restricted the right to asylum to only those persons who arrived in the country directly from a place where their life or freedom were at risk.

Refoulement: According to police statistics, 33,364 individuals were pushed back and 26,011 were blocked entry between January and August.

Abuse of Migrants and Refugees: Human rights advocates, the European Commission, and UNHCR criticized the government's treatment of migrants and asylum seekers, including its pushbacks of migrants and asylum seekers to the Serbian side of the Serbia-Hungary border fence, even if they had not entered Hungary through Serbia. There have been reports of police and border guards using violence when enforcing the pushback policy that has resulted in hospitalization and severe injuries among those forcibly returned to Serbia.

Domestic human rights NGOs reported that their attorneys had difficulties in maintaining contact with foreigners kept in aliens-policing or asylum-detention facilities.

Freedom of Movement: Following the closure of the transit zones, the asylum provisions prescribe the automatic "placement of the applicant in a closed facility" for four weeks following the registration of their asylum request, without any available remedy to challenge the placement. After four weeks the applicant may either be placed in an open facility or in detention, with a legal remedy available against that detention decision. There were no reports of the legal remedy being exercised, however. The law permits the detention of rejected asylum seekers under an aliens policing procedure for a maximum of 12 months or for eight months under asylum detention in certain cases of pending asylum applications. The detention of individuals accused of immigration offenses generally took place in designated immigration detention centers.

On March 2, the ECHR ruled that the placement of an Iranian-Afghan family in the transit zone at the Hungary-Serbia border during their asylum procedure constituted unlawful detention and deprivation of liberty. The court also found that the living conditions of the family were in violation of the prohibition of inhuman or degrading treatment. The court ordered the state to pay 4,500 euros (\$5,200) each to the applicant children and 6,500 euros (\$7,500) each to the adults for nonpecuniary damage, as well as 5,000 euros (\$5,750) for legal expenses.

Access to Basic Services: The National Directorate-General for Aliens Policing (asylum authority) has 60 days to make a proposal to the Hungarian embassy in Belgrade or Kyiv on whether to grant an asylum seeker a single-entry permit. During this time the asylum seeker is not entitled to accommodation or any support

services and is not entitled to any legal protection.

Human rights advocates reported that, since the closure of the two transit zones, the refugee reception centers on the Hungary-Slovakia border were almost empty in the first half of the year due to the low number of asylum seekers arriving to the country. In the second half of the year, most of the Afghan evacuees airlifted from Afghanistan by the Hungarian defense forces temporarily resided in these facilities.

The law limits benefits and assistance to persons given international protection on the grounds they should not have more advantages than citizens. Authorities do not provide housing allowances, educational allowances, or monthly cash allowances to asylum seekers, refugees, or beneficiaries of subsidiary protection. The government did grant temporary benefits and assistance to Afghan individuals airlifted by the Hungarian forces in August.

In 2019 the European Commission referred Hungary to the ECJ, stating the legislation that criminalizes providing assistance to asylum seekers who were not subject to persecution in their home country or who had already transited a safe country curtailed the asylum seekers' right to communicate with and be assisted by national, international, and nongovernmental organizations. On November 16, the ECJ ruled that this legislation infringed on EU law. The ECJ reasoned that restricting the right of access to asylum seekers and their right to communicate or consult a legal adviser was not justified by the law's objective of preventing the misuse of the asylum procedure. The ruling also stated that the inadmissibility of asylum applications on the grounds of arriving through a country where the applicant was not exposed to persecution did not comply with EU law.

Durable Solutions: Refugees are allowed to naturalize, but according to civil society organizations, the applications of refugees and stateless persons were approved at a lower rate than those of other naturalization seekers. There were no reported cases of onward refugee resettlement from the country to other states.

Temporary Protection: The law provides for a specific temporary protected status for situations of mass influx, but organizations working on the problem reported that it was not used. Under the law all forms of international protection (refugee status, subsidiary protection, tolerated stay, stateless status, etc.) are

temporary by nature, with periodic review of the entitlement to protection.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in periodic elections held by secret ballot and based on universal suffrage.

Elections and Political Participation

Recent Elections: National elections were held in 2018 under a single-round national system to elect 199 members of parliament. The elections resulted in the ruling parties gaining a third consecutive two-thirds supermajority in parliament, receiving 49 percent of party-list votes while winning 91 of the country's 106 single-member districts, decided by a first-past-the-post system.

Nationwide municipal elections were held in 2019 under a single-round national system to elect local council representatives, mayors, and ethnic minority self-government members. With 48.6 percent turnout, the elections resulted in governing Fidesz-Christian Democratic People's Party (KDNP) candidates retaining most mayoral positions in smaller towns and villages, and the opposition capturing the mayoral seats of Budapest, 14 of the capital's 23 districts, and 11 of the country's 23 county seats. Observers suggested the relative success of the opposition resulted from the nomination of a single opposition candidate running against Fidesz-KDNP in most key races. Domestic observers noted the lack of changes to the electoral and media environment and referenced the findings of the Organization for Security and Cooperation in Europe (OSCE) mission deployed to the country in 2018 (see below).

A mission representing the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) observed the 2018 national elections. In its final report on the elections, the mission characterized the election as "at odds with OSCE commitments" and concluded that a "pervasive overlap between state and ruling-party resources" undermined contestants' ability "to compete on an equal basis."

The ODIHR election observation mission report highlighted that despite the "large number of contestants, most did not actively campaign, ostensibly registering to benefit from public campaign-finance entitlements or to dilute the vote in tightly

contested races.” The report called attention to the lack of a “periodic review of constituency boundaries in a transparent, impartial, and inclusive manner by an independent body.” No such review was performed during the year.

In October 2020 by-elections for a parliamentary seat vacated by the death of a Fidesz-KDNP member were held. The winner of the by-election, Zsolia Koncz (Fidesz-KDNP and the daughter of the member who passed away), was criticized by watchdogs and media outlets for spending more on social media alone (5.6 million forints) during her campaign than permitted by law for both online and offline campaign activity (five million forints, total). A subsequent investigation by the SAO found no campaign spending violations. In response to a media inquiry, the SAO noted, however, that advertisements on social media do not count as political advertisements. The SAO stated that despite calls from the body, no political party has been willing to address this standing concern.

Political Parties and Political Participation: The ODIHR report on the 2018 elections noted several problems with media influence that “undermined the level playing field for campaigning and raised questions with regard to the abuse of administrative resources and the blurring of the line between state governing and party campaigning, which is at odds with OSCE commitments.” The report also noted campaign finance laws limited the transparency and accountability of political parties.

Citizens living abroad but having permanent residency in the country were required to appear in person at embassies or consulates to vote, while citizens residing abroad could vote by mail, but only for party lists. ODIHR election observers noted that the practice of applying different procedures to register and vote depending on whether a person had a permanent address in the country “challenged the principle of equal suffrage.”

In December 2020 parliament modified the electoral law, stipulating that any party wishing to put forward a national party list must nominate candidates in at least 71 (up from the previous 27) of the 106 individual parliamentary constituencies. The government claimed the change was necessary to prevent parties from running in an election solely to benefit from state-provided campaign funding. Independent observers criticized the change, claiming it raised additional obstacles in the

cooperation of opposition parties seeking to challenge the ruling coalition in the 2022 parliamentary election.

Observers noted that many of the decrees and legislation enacted during the state of emergency following the outbreak of COVID-19, including imposing prison time for “scaremongering” under a special legal order and measures critics stated were unrelated to the pandemic, remained on the books after the state of emergency was lifted. On February 22, the ruling Fidesz-KDNP majority, with no opposition votes, passed in parliament an additional 90-day extension of the emergency government decrees issued under the state of emergency. Parliament passed three other bills on May 18, September 27, and December 14, extending the government’s state of emergency powers until October, January 2022, and June 2022 respectively, also with no opposition support. Justifying their votes against the extension, opposition members claimed that the government misused the previous emergency authorization parliament granted in November 2020 with opposition support. The repeated extensions resulted in the government having uninterrupted state of emergency powers from November 2020.

Opposition activists accused the government of selectively imposing economically damaging measures on opposition-led cities and districts. Following similar measures enacted in 2020, in June the central government issued a decree establishing a “special economic zone” for industrial parks located adjacent to the city of Dunaujvaros. The measure effectively deprived the opposition-led local government of approximately 684 million forints (\$1.7 million) in tax revenue the first year alone.

A February 28 government resolution distributed approximately \$4 million in development and operational subsidies among 12 independent or Fidesz-led local governments across the country. No opposition-led local council was included. One of the highest allotments, 225 million forints (\$750,000), went to Budapest’s district 12, run by prominent Fidesz mayor Zoltan Pokorni, for supporting local council development work. Budapest’s downtown district, also Fidesz-run, was granted 91 million forints (\$303,000) for a communications program targeting the elderly.

According to a report by independent media published in March, the government

disproportionately distributed EU financial subsidies intended to aid poorer regions to wealthier Fidesz-run municipalities. Following the 2019 local elections in which opposition parties won control of several municipalities, those led by Fidesz (often some of the wealthiest) received 45,000 forints (\$150) per capita in EU funding compared with \$60 per capita allocated to seven opposition-led municipalities representing a similar population size. The poorest, Salgotarjan, led by the opposition, received only 20 million forints (\$65,000) in subsidies, in contrast with the richest, Fidesz-run Szekesfehervar, which received more than 12 billion forints (\$39 million). The six local municipalities that received the highest support (36.3 billion forints or \$118 million combined) were all controlled by Fidesz, while the seven opposition-run jurisdictions received 13.6 billion forints (\$44 million). Observers claimed the figures demonstrated how the government used EU development funds to reward its allies, despite EU safeguards to prevent political bias.

Participation of Women and Members of Minority Groups: No laws limit participation of women and members of marginalized groups including persons with disabilities, LGBTQI+, and Romani persons in the political process. While no data were collected on individuals' sexual orientation or ethnicity, representation of women in public life was very low. The ODIHR report on the 2018 elections noted, "Women are underrepresented in political life and there are no legal requirements to promote gender equality in elections." Following the elections, women constituted 12.5 percent of members of parliament. As of August the 15-member cabinet included three women, and 13 percent of subcabinet-level government state secretaries were women, a figure that has remained relatively constant across Fidesz-KDNP administrations since 2010. As of August women constituted approximately 20 percent of the more than 270 candidates registered in the opposition primaries.

The electoral system provides 13 recognized national minorities the possibility of registering for a separate minority voting process in parliamentary elections, by which they vote on the minority candidate list instead of the party list. While all 13 national minorities registered candidate lists in the 2018 elections, only one – the German minority – obtained enough votes to win a minority seat in parliament. National minorities that did not win a seat were represented in parliament by

nonvoting spokespersons whose competence was limited to discussing minority matters. Regarding the 2018 election campaign, the ODIHR stated it was informed of several instances where pressure was put on Romani voters not to register as minority voters and instead to vote for national lists. Due to privacy laws regarding ethnicity, no official statistics were available on the number of members of a minority who were in parliament or the cabinet.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for corruption by public officials, and there were numerous reports of government corruption during the year, few such cases were filed or prosecuted during the year. The European Commission and NGOs contended that the government did not implement or apply these laws effectively and that officials and those with close government connections often engaged in corrupt practices with impunity.

In its July 20 *Rule of Law Report*, the European Commission found deficiencies in the country's anticorruption policies and noted that the government did not sufficiently address clientelism, nepotism, and favoritism, noting specifically that although "some new high-level corruption cases involving politicians were opened since 2020, the track record of investigations of allegations concerning high-level officials and their immediate circle remains limited." The report also stressed that, similar to the previous year's report, "deficient independent control mechanisms and close interconnections between politics and certain national businesses are conducive to corruption." The report noted a lack of transparency in political party financing, asset disclosure, and lobbying.

On April 27, parliament passed several legislative proposals establishing 32 "public interest asset management foundations" for the purpose of independently managing educational, cultural, health care, agricultural, and historical activities traditionally administered by the state. These asset management foundations took over the administration of most of the country's higher education institutions and collectively received billions of dollars in state assets, including land, real estate properties, businesses, and corporate shares, in addition to annual state funding.

Transparency watchdogs and opposition parties criticized the privatization of universities and the transfer of state assets and warned that most board members of the created foundations were linked to the government or to the ruling party. Critics asserted that the foundations enabled the channeling of public funds and assets as well as taxpayers' money to government-aligned businesses and oligarchs. The ninth amendment of the constitution passed in December 2020 requires a two-thirds parliamentary majority to amend regulations governing the creation and management of asset management foundations, essentially rendering the privatization of assets irreversible even in the event of a change of government, critics warned.

Corruption: Anticorruption NGOs alleged government corruption and favoritism in the distribution of EU funds. In an August 2 research paper, the Corruption Research Center Budapest stated that the overall share of EU-funded public contracts won by construction companies with close links to the government increased from 22 percent in 2008 to 38 percent in 2020.

In its 2020 annual report released on June 10, the European antifraud office (OLAF) found 32 cases of potential fraud in the country associated with EU development funds received between 2016 and 2020. OLAF recommended that the government repay 2.2 percent of the funds it received during the 2016-20 period. Observers noted that OLAF's limited resources allowed it to review only a fraction of the tens of thousands of EU cases in which EU funds were disbursed to member states.

On July 20, EU justice commissioner Reynders stated the European Commission would not back the country's \$8.5 billion *COVID Recovery Plan* until the government implemented judicial reforms and provided adequate assurances that corruption cases uncovered by OLAF were properly investigated. Reynders noted Hungary continued to resist accepting and implementing the European Commission's recommendations made in country specific reports and pledged that the commission would again ask "Hungary to join the European Prosecutor's Office, as without that, we cannot be sure of adequate protection against fraud and corruption." On November 18, the European Commission sent a letter to the government warning that concerns regarding judicial independence, corruption, and deficiencies in public procurements could pose a risk to the EU's financial

interests. The European Commission asked the government to provide information regarding corruption concerns related to specific EU funded projects, recipients of EU agricultural subsidies, and conflict of interests in the boards of public interest foundations. At year's end the European Commission had not approved the country's *COVID Recovery Plan*, due to the plan's shortcomings in dealing with transparency and judicial independence concerns.

On December 7, the Chief Prosecution Office stated it suspected deputy justice minister and Fidesz member of parliament Pal Volner of accepting bribes and abusing his official position for financial advantage. Volner resigned from his ministry position on the same day and on December 14, parliament lifted his right to immunity from prosecution. On December 15, prosecutors questioned him, but he was not put into pretrial detention. He retained his seat in parliament.

In Transparency International's annual *Corruption Perception Index* released on January 28, Hungary retained a score of 44 of a possible 100; in 2012 its score was 55.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups operated with some government restrictions affecting their funding. Government officials were generally uncooperative and unresponsive to their views.

In June 2020 the ECJ ruled that the country's law requiring NGOs that receive foreign funding to register and label themselves as "foreign-funded organizations" violated EU law. In February the European Commission opened an infringement procedure for failing to comply with the ruling. Subsequently in May, the government submitted and adopted legislation that repealed the law and at the same time mandated the SAO to report annually on NGOs that had an annual budget of more than \$66,000 and were "capable of influencing public life." Sports, religious, and national minority organizations were exempted. Civil society groups noted that the SAO's function was to audit organizations that manage public funds and national assets and expressed concern that the SAO

would selectively audit NGOs that criticize government policies.

In July the government failed to reach an agreement with Norway's Foreign Ministry on \$255 million in funds due to a dispute regarding the disbursement of its \$12 million civil society component. Based on an initial agreement reached in December 2020, both parties (Hungary and Norway) should have agreed upon an independent organization to manage the allocation of grant funds to NGOs. Norway maintained that the organization's independence from government influence remained a precondition to the agreement. Although it originally agreed to the selection criteria, Norway stated that the Hungarian government's objection to the chosen organization breached the agreement and disqualified Hungary from receiving funds. Norway, Iceland, and Liechtenstein suspended payment of a previous grant to Hungary under similar conditions in 2014.

Government Human Rights Bodies: The constitution and law establish a unified system for the office of the commissioner for fundamental rights (ombudsperson). The ombudsperson has two deputies, one responsible for the rights of national minorities and one for the interests of "future generations" (environmental protection). The ombudsperson is nominated by the president and elected by a two-thirds majority of parliament. The ombudsperson is solely accountable to parliament and has the authority to initiate proceedings to defend the rights of citizens from abuse by authorities and entities providing public services. The constitution provides that the ombudsperson may request that the Constitutional Court review laws. Ombudsperson recommendations are not binding, however. The ombudsperson is also responsible for collecting electronically submitted reports of public benefit, e.g., whistleblower reports on public corruption, and operates the national preventive mechanism against torture.

On January 1, the ombudsperson's office took over the mandate and tasks of the abolished Equal Treatment Authority. In its report covering June 14-24, the Global Alliance of National Human Rights Institutions Subcommittee on Accreditation recommended the ombudsperson be downgraded to "B" status. Its report stated that the ombudsperson "did not effectively engage on and publicly address all human rights issues, including in relation to vulnerable groups such as ethnic minorities, LGBTI individuals, refugees, and migrants, as well as in constitutional court cases deemed political and institutional, (such as) media

pluralism, civic space, and judicial independence. Failure to do so demonstrated a lack of sufficient independence.” The recommendation to downgrade the status of the position was not to take effect for a period of one year, giving the ombudsperson the opportunity to improve performance.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of women or men, including spousal rape, is illegal. Although there is no crime defined as rape, the equivalent crimes are sexual coercion and sexual violence. These crimes include the exploitation of a person who is unable to express his or her will. Penalties for sexual coercion and sexual violence range from one year in prison to 15 years in aggravated cases.

The criminal code includes “violence within partnership” (domestic violence) as a separate category of offense. Regulations extend prison sentences for assault (“light bodily harm”) to three years, while grievous bodily harm, violation of personal freedom, or coercion may be punishable by one to five years in prison, if committed against domestic persons.

By law police called to a scene of domestic violence may issue an emergency restraining order valid for three days in lieu of immediately filing charges, while courts may issue up to 60-day “preventive restraining orders” in civil cases, without the option to extend.

According to press reports citing official statistics, the number of registered cases of domestic violence increased by 60 percent since the outbreak of the COVID-19 pandemic. Women’s rights groups asserted that there was no comprehensive state policy in place to address gender-based violence and that the lack of adequate professional training and adequate protocols to properly handle cases constituted systemic problems. Women’s rights NGOs continued to criticize the law for not placing sufficient emphasis on the accountability of perpetrators.

In May the president granted a partial pardon to a woman who in 2019 started serving a 10-year prison sentence for attempting to kill the father of her child, with whom she lived in an abusive relationship for years. The pardon decreased her

sentence to five years.

Sexual Harassment: By law harassment of a sexual nature constitutes a violation of the equal treatment principle but is not a crime. In June independent media outlets reported that a high-ranking member of the defense forces sexually harassed a female subordinate. According to press reports, the woman reported the case, but the internal investigation was terminated. The woman also reported the case to the chief prosecutor's office, where an investigation continued at year's end.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Contraceptives were available but were not covered by the state health-care system, which limited access of marginalized groups living in poverty, including Romani women. Sterilization for family-planning (nonmedical) reasons was limited to persons who were older than 40 or already had three biological children.

In 2020 the government took over six fertility clinics and began providing state-subsidized assisted reproductive services (artificial insemination and in vitro fertilization), primarily tailored to support heterosexual married couples who experienced difficulty conceiving naturally. In June parliament adopted legislation that only state fertility clinics could provide assisted reproductive services from 2022. Observers believed the law would result in the closure of the remaining three private clinics. LGBTQI+ NGOs characterized access to assisted reproductive technologies as discriminatory against same-sex couples.

The government operated state-funded shelters and a hotline for survivors of crime, including sexual violence against women, but these did not provide specialized assistance and sexual and reproductive health services for survivors.

Discrimination: The law provides for the same legal status and rights for women as for men. There is no mandate for equal pay for equal work, and according to Eurostat data, on average men were paid 8.2 percent more than women in 2019, compared with 17.6 percent in 2010. Women's rights groups criticized the lack of a comprehensive national strategy and public action plan for the promotion of equality between women and men, covering all important fields and topics of

women's rights, and considering all women irrespective of their family status and position.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits discrimination based on ethnicity and criminalizes offensive behavior and real or perceived threats towards members of racial, ethnic, or other groups. The office of the ombudsperson is responsible for monitoring discrimination. Hate crime is a separate type of crime. There were no public records on hate crime statistics, and NGOs reported authorities were reluctant to classify incidents as hate crimes.

Roma was the country's largest ethnic minority group. According to the most recent census in 2011, approximately 315,000 persons (3 percent of the population) identified themselves as Roma. A University of Debrecen study published in 2018, however, estimated there were 876,000 Roma in the country, or approximately 9 percent of the country's population. There were approximately 1,300 de facto segregated settlements in the country where Roma constituted the majority of the population. Romani communities were not socially integrated with broader society and were characterized by considerably lower indicators on most socioeconomic measures than the majority population. Conditions for the community deteriorated since the collapse of communism in 1989-90 but were rooted in centuries of social exclusion. Lacking advanced education and employment skills, many Roma occupied the margins of society and experienced long-term unemployment, which bred a cycle of poverty and welfare dependence.

On July 25, the extreme-right political party Mi Hazank (Our Homeland) and other far-right groups held a demonstration against "Gypsy crime" in the northeastern town of Jaszapati. Police allowed the gathering of 300 to 400 demonstrators but did not permit them to march through the Romani settlement. Mi Hazank president Laszlo Toroczka stated that in the country and the world, "two biological weapons" were being used against civilization, "the Gypsies and the coronavirus." Several Romani and pro-Romani civil society groups held a simultaneous counterprotest outside Mi Hazank's office in Budapest.

Extreme-right groups staged multiple demonstrations and protests against

LGBTQI+ and Roma communities. Minority groups perceived the authorities' reluctance to investigate extremist groups' acts of vandalism and aggressive disruption of events as hate crimes and potentially emboldening further aggressive action against them. There was no public government strategy to address the proliferation of extreme-right or white supremacist ideologies.

In April the National Roma Minority Self-Government and several Romani NGOs organized a joint campaign to facilitate the online registration for COVID-19 vaccines in Romani communities. In March human rights watchdog Hungarian Civil Liberties Union called on the government to introduce targeted epidemiological measures for residents of Romani settlements.

In 2019 the Ministry of Interior introduced a "300 poorest settlements" program, widely considered to be the government's 10-year Roma strategy, aimed at improving the living standards for the Romani community in the country's most underdeveloped settlements. Civil society groups criticized the program for an alleged lack of transparency and for excluding experienced local NGOs and Romani minority self-governments from the program's implementation.

The law establishes cultural autonomy for nationalities (replacing the term "minorities") and recognizes the right to foster and enrich historic traditions, language, culture, and educational rights.

Children

Birth Registration: An individual acquires citizenship from a parent who is a citizen. Births were registered immediately. NGOs asserted the law provides only partial safeguards against statelessness at birth because all children of foreign parents born in the country are registered on birth certificates as being of unknown nationality. In addition the NGOs claimed that children born to stateless parents or to noncitizen parents who may not pass on their nationality to their children were in some cases born and remained stateless.

Education: Although the law provides for free and compulsory education between ages three and 16 and prohibits school segregation, NGOs reported the segregation of Romani children in schools and their frequent misdiagnosis as having a mental disability. The European Commission opened an infringement

procedure in 2016 due to concerns regarding the disproportionate overrepresentation of Romani children in segregated schools for children with intellectual disabilities as well as a considerable degree of segregated education in mainstream schools. NGOs also assessed that school segregation and lowering the mandatory school age from 18 to 16 in 2011 contributed to high dropout rates.

In response to a May 2020 Curia award of financial compensation to Romani students segregated by a local primary school in Gyongyospata, the government amended the law in July 2020 to stipulate that compensation for damages suffered through educational segregation could only be provided in the form of education and training, not money. Human rights watchdogs argued this amendment amounted to indirect discrimination based on ethnicity. On June 9, the European Commission launched an infringement procedure against the country because “its national legislation does not fully comply with EU rules prohibiting discrimination on the grounds of racial or ethnic origin.”

On June 25, the international network of children’s rights organizations Eurochild stated that the “antipedophile law” (see Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity, below) that banned the “portrayal” and “promotion” of LGBTQI+ topics to minors risked increasing discrimination, bullying, and violence towards LGBTQI+ children.

Child Abuse: Efforts to combat child abuse included a “child protection signaling system” to detect and prevent the endangerment of children; law enforcement and judicial measures; restraining orders; shelters for mothers and their children; and removal of children from homes deemed unsafe. The law provides that failure of a parent to “cooperate” with doctors, district nurses, teachers, or family supporters in the signaling system automatically constituted gross endangerment, even without any other signs of negligence or endangerment.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18. The Social and Guardianship Office may authorize marriages of persons between ages 6 and 18. The guardianship authorities consider whether a girl is pregnant in making their determination. Data were limited regarding the prevalence of child marriage in the country, including in the Romani community.

Sexual Exploitation of Children: The law prohibits child pornography. The statute of limitations does not apply to sexual crimes against children. The government generally enforced the law. The minimum age for consensual sex is 12, provided the older partner is 18 or younger. Persons older than 18 who engage in sexual relations with a minor between ages 12 and 14 may be punished by one to five years' imprisonment. By law statutory rape is a felony punishable by five to 10 years' imprisonment if the survivor is younger than 12. Effective July 2020 the criminal prosecution of minors exploited in commercial sex has been prohibited. Procuring minors for commercial sex and exploitation of children in commercial sex is punishable by two to eight years' imprisonment.

Institutionalized Children: In 2020 the UN Committee on the Rights of the Child expressed concern regarding the high number of children living in institutional settings, including 300 children younger than age three. According to UNICEF Hungary, approximately 23,000 children were living in state care institutions. Pro-Roma NGOs noted that institutionalized children living in state care were especially vulnerable to human trafficking for commercial sexual exploitation and criticized the lack of special assistance for child victims of trafficking. Experts also noted the high rate of institutionalization of children with disabilities, who often faced segregation from society and were put at risk of mistreatment and abuse.

In 2020 former residents and staff of the children's home in Kalocsa told local media in a series of articles concerning the physical and verbal abuse as well as degrading treatment that took place inside the institution for decades. Based on similar reports from 2014, the ombudsperson's report from 2016 concluded that supervisors regularly abused children. In February the ombudsperson's office conducted an onsite inspection. The report concluded there were systemic problems regarding the physical conditions at the institution but did not confirm abuses by the employees.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

According to the 2011 census, 10,965 persons identified their religion as Judaism. According to estimates from the World Jewish Congress, the Jewish population numbered between 35,000 and 120,000 persons. A 2018 study published in *Szombat*, a leading Hungarian Jewish online news outlet, found that 82 percent of Hungarian Jews had a direct family member or ancestor who lost their life in the Holocaust. Jewish organizations considered the Holocaust a defining element of Hungarian Jews' identity, and they regarded it as vital to preserve the memory of what occurred during the Holocaust.

The Action and Protection Foundation, a Jewish group monitoring anti-Semitism, registered 30 anti-Semitic hate crimes in 2020. These were 22 cases of hate speech, six of vandalism, one threat, and one case of discrimination.

On July 20, Andras Heisler, the president of the Federation of Hungarian Jewish Communities (Mazsihisz), stated that anti-Semitism was present “across the whole of Hungarian society,” while introducing the results of a 2019-20 survey prepared by Median independent public opinion (polling firm) and commissioned by Mazsihisz. He added that while the number of cases of physical attacks and vandalism were low, hate speech, conspiracy theories, and anti-Semitism in public life increased from 2019 to 2020, and the extreme-right party Mi Hazánk was among the most frequent perpetrators of anti-Semitic incidents and hate speech. Citing 2019 data, the head of Median, Endre Hann, stated that 36 percent of the country's adult population could be characterized by some degree of anti-Semitism (including anti-Semitic prejudice and attitude towards Jews).

In February domestic and international extreme-right and neo-Nazi groups commemorated the break-out attempt by Hungarian and German troops on February 11, 1945, during the Soviet Red Army's siege of Budapest. In February, despite COVID-19 pandemic restrictions on public gatherings, approximately 100 persons took part in an organized reenactment hike along the route of the attempted siege-breakers in Budapest. The Hungarian chapter of the international neo-Nazi group Blood and Honor organized the event. No senior government officials publicly condemned the event.

In January the chief rabbi of the Unified Hungarian Congregation, Slomo Koves, told domestic media outlets that the controversial “House of Fates” museum would likely be ready to open in 2022. The government first announced the museum concept in late 2013 and assigned ownership of it to the Unified Hungarian Jewish Congregation in 2018. The project remained stalled due to international and domestic concerns by Holocaust scholars that the House of Fates concept, which focuses primarily on Hungarians who helped to hide Jews during the Holocaust, would whitewash the role of WWII-era Hungarian leaders and citizens in the Holocaust deaths of hundreds of thousands of Hungarian Jews.

On May 1, Fidesz cofounder and media personality Zsolt Bayer wrote in government-aligned newspaper Magyar Nemzet that a prominent foreign government official of Jewish-Hungarian ancestry was a “rootless Hungarian,” which many interpreted as a classic anti-Semitic trope. Bayer has a long history of anti-Semitic writings and statements; he has high-profile platforms on government-aligned media outlets and received a prestigious government award in 2016.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution and the law prohibit discrimination against persons with physical, sensory, intellectual, communicational, and psychosocial disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services.

There were no data available on the percentage of public buildings accessible to persons with disabilities.

Based on estimates by Habitat for Humanity, approximately 5 percent of the population lived with disabilities, half of which were physical. According to disability rights NGOs, despite the government’s *2019-36 Institutionalization Strategy Hungary* to reduce the number of persons with disabilities living in institutions with capacities greater than 50 persons, there was no moratorium on

admissions. Habitat for Humanity stated that approximately 40,000 persons lived in such institutions in 2020, one-quarter of whom had intellectual disabilities. In a 2020 report, the UN Committee on the Rights of Persons with Disabilities stated that maintaining and expanding a national system of social care institutions “perpetuated segregation and isolation from society.” It also observed the prevalence of poor conditions in these institutions, overmedication, and violations of sexual and reproductive rights. Most children with disabilities were excluded from mainstream education and were either home-schooled or provided education in institutions. According to media reports, there was also a lack of support for children with autism in mainstream schools.

In March the Hungarian Civil Liberties Union reported that a 16-year-old boy with autism was repeatedly locked in a cage-like construction in a disability home in 2018 in the town of Eger. In November independent local media reported that a 15-year-old boy with a physical disability was beaten by his classmate in a school in the town of Pecs.

The constitution provides that a court may deprive persons with disabilities who are under guardianship of the right to vote in its adjudication of the individual’s limited mental capacity. NGOs noted that depriving persons with intellectual or psychosocial disabilities of their legal rights violated international conventions on the rights of persons with disabilities. Disability rights experts noted that persons with disabilities living in institutions were often placed under guardianship and noted the relative lack of government support for personal assistance in independent living situations.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

Due to last-minute amendments submitted by Fidesz parliamentarians, on June 15 an “antipedophile” law was adopted by parliament that banned the “promotion” and “portrayal” of “gender reassignment” and homosexuality to minors in media, advertisements, and education. Notably, all programs and advertisements deemed to promote or portraying these topics must be rated as not recommended for minors (see section 2.a.). In addition the law limited sexual education in schools, stipulating that only state-registered organizations are allowed to conduct sexual

education classes in schools.

In a June 22 joint statement, 17 EU countries characterized the law as a “flagrant form of discrimination based on sexual orientation.” On July 15, the European Commission launched two infringement procedures, one challenging the law, and the second focusing on Hungary’s consumer protection authority’s January decision that ordered the Labrisz Lesbian Association to place a disclaimer on its children’s book, *Fairyland Belongs to Everyone*, stating that the tales “depict behavior inconsistent with traditional gender roles.” According to the European Commission, this violated the authors’ and publishers’ freedom of expression and “discriminated on grounds of sexual orientation in an unjustified way.” In response, government officials claimed the Commission wanted Hungary to allow LGBTQI+ “activists” and “sexual propagandists” to be present in schools. The government argued that the law did not discriminate against anyone because it “did not affect decisions taken by adults” and that it was a measure to protect children. Human rights groups observed that the prime minister’s July 21 announcement that the country would hold a “child protection referendum” in which the public would vote on aspects of the law led to prolonged, amplified rhetoric against LGBTQI+ groups and individuals during the campaign season. On July 7, a regional government office fined the domestic bookstore chain Lira 250,000 forints (\$830) for failing to indicate that a children’s book featuring families with same-sex parents contained “content which deviates from the norm” and for violating rules on unfair commercial practices.

On August 6, the government published a decree that ordered shops selling “products portraying or promoting gender deviating from sex at birth, gender change, homosexuality, or containing explicit depictions of sexuality” aimed at children to display them separately and in “closed packaging.” It also banned the public display of such products and forbade their sale within 660 yards of a school or church. The consumer protection authority was tasked with monitoring compliance of the law.

On March 12, the Constitutional Court declared that the retroactive application of provisions adopted in May 2020 banning legal gender recognition was unconstitutional and could not be applied.

On July 2-3, the Venice Commission, the Council of Europe's body of constitutional experts, adopted its opinion on constitutional and legislative amendments. Regarding the definition of marriage and family, the Venice Commission stated there was "a real and immediate danger that the amendments would further strengthen the public attitude that nonheterosexual lifestyles are inferior" and could "further fuel a hostile and stigmatizing atmosphere against LGBTQI+ people." The statement added that the amendment that restricted the recognition of children's gender to their gender at birth could result in discrimination based on sexual orientation and gender identity.

The law prohibits discrimination based on sexual orientation. In addition the law prohibits certain forms of hate speech and prescribes increased punishment for violence against members of the LGBTQI+ community. Victims of discrimination had a wide choice of remedies, including a procedure by a designated government institution (office of the commissioner for fundamental rights), enforcement of personality rights via civil court procedure, and sectoral remedies in media law. Only the civil procedure allows for the awarding of pecuniary and nonpecuniary damages. The Constitutional Court also offers possibilities to challenge allegedly discriminatory legislation. As of January 1, the office of the ombudsperson assumed the tasks of the abolished Equal Treatment Authority, which, before its abolishment, had been viewed by LGBTQI+ groups as one of the few remaining public bodies that delivered decisions against discrimination based on sexual orientation and gender identity.

Other Societal Violence or Discrimination

The prime minister, other government leaders, and government-aligned media regularly used language in defense of "Christian Europe" that many viewed as anti-Muslim, particularly toward Muslim migrants and refugees. In an interview with the German magazine *Der Stern* published on February 4, the prime minister stated that although there was already a small community of Muslims and other minorities in the country, "we do not want [more of them] coming to Hungary in numbers which would result in cultural change." In September during a visit by Pope Francis, the prime minister asked the pope "not to let Christian Hungary perish."

Muslim organizations did not collect data regarding anti-Muslim hatred but reported that verbal insults were frequent and claimed that the majority of the population regarded Muslims with suspicion.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The labor code provides for the right of workers to form and join independent unions without previous authorization and conduct their activities without interference, although unions alleged requirements for trade union registration were excessive. The labor code prohibits any worker conduct that may jeopardize the employer's reputation or legitimate economic and organizational interests and explicitly provides for the possibility of restricting the workers' personal rights in this regard, including their right to express an opinion during or outside of working hours. Violations of this law, if proven in court, could result in monetary fines to compensate the employer for damages, although this labor code provision has rarely been implemented, and there were no reported instances during the year. Except for law enforcement and military personnel, prison guards, border guards, health-care workers, and firefighters, workers have the right to strike. In other spheres of the public sector, including education or government services, minimum service must be maintained. The law permits military and police unions to seek resolution of grievances in court. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity.

Workers performing activities that authorities determine to be essential to the public interest, such as schools, public transport, telecommunications, water, and power, may not strike unless an agreement has been reached on provision of "sufficient services" during a strike. Courts determine the definition of sufficient services. National trade unions opposed the law on the basis that the courts lacked the expertise to rule on minimum service levels and generally refused to rule on such cases, essentially inhibiting the right to strike. The government passed legislation prohibiting health-care workers' right to strike in 2020 to provide for health-care services during the pandemic and prohibited an announced strike by air traffic controllers in July. Numerous trade unions decided to escalate the matter to the International Labor Organization (ILO) and sent a petition to the government

requesting that it negotiate with air traffic controllers.

The government effectively enforced laws providing for freedom of association and collective bargaining. Penalties for violations were generally commensurate with those for other violations. In the public sector, administrative and judicial procedures to determine adequate services were sometimes subject to lengthy delays and appeals.

Authorities and employers generally respected freedom of association and the right to collective bargaining. Trade unions alleged that national prosecutors restricted trade union activities and, in some cases, reported antiunion dismissals and union busting by employers. There were also reports of unilateral termination of collective agreements, which employers in some cases attributed to financial difficulties resulting from the COVID-19 pandemic. Unions reported the government continued to attempt to influence their independent operation.

While the law provides for reinstatement of workers fired for union activity, court proceedings on unfair dismissal cases sometimes took more than a year to complete, and authorities did not always enforce court decisions.

b. Prohibition of Forced or Compulsory Labor

While the law prohibits all forms of forced or compulsory labor, the government failed to enforce it effectively and forced labor occurred. Penalties for forced labor were commensurate to penalties for other serious crimes.

Groups vulnerable to forced labor included those in extreme poverty, undereducated young adults, Roma, and homeless men and women. Hungarian men and women were subjected to forced labor domestically and abroad, and labor trafficking of Hungarian men in Western Europe occurred in agriculture, construction, and manufacturing. The COVID-19 pandemic reduced the number of seasonal workers, including Hungarians, as numerous hostels and workplaces became hot spots of infections and were subsequently closed. The government implemented temporary travel restrictions, quarantine, or testing for those entering the country to control the pandemic, while also increasing law enforcement efforts and sustaining its prevention efforts.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The constitution prohibits the worst forms of child labor. The law prohibits children younger than 16 from working, with the exception that children ages 15 or 16 may work under certain circumstances as temporary workers during school vacations or may be employed to perform in cultural, artistic, sports, or advertising activities with parental consent. Children may not work night shifts or overtime or perform hard physical labor. The government performed spot-checks and effectively enforced applicable laws; penalties were commensurate with those of other serious crimes.

Through the end of 2020, the employment authority reported four cases of labor performed by children younger than 15. The employment authority also reported 11 cases involving 12 children ages 15 and 16 who were employed without the consent of their parents or legal guardians during the school year, and eight cases involving nine children between ages 16 and 18 who were employed without the consent of their parents or legal representatives. The employment authority noted that child labor cases decreased in all age groups as a result of increased inspections during the previous two years.

d. Discrimination with Respect to Employment and Occupation

The constitution and laws prohibit discrimination based on race, sex, gender, disability, language, sexual orientation and gender identity, infection with HIV or other communicable diseases, or social status. The labor code provides for the principle of equal treatment. The government failed to enforce these regulations effectively. Penalties were not commensurate with those under laws related to civil rights.

Observers asserted that discrimination in employment and occupation occurred with respect to Roma, women, persons with disabilities, and LGBTQI+ persons. According to NGOs, there was economic discrimination against women in the workplace, particularly against job seekers older than 50 and those who were

pregnant or had returned from maternity leave. The country does not mandate equal pay for equal work. A government decree requires companies with more than 25 employees to reserve 5 percent of their work positions for persons with physical or mental disabilities. While the decree provides for monetary fines for noncompliance, many employers generally paid the fines rather than employ persons with disabilities. The National Tax and Customs Authority issued “rehabilitation cards” to persons with disabilities, which granted tax benefits for employers employing such individuals.

e. Acceptable Conditions of Work

Wage and Hour Laws: During the year the national minimum wage was below the poverty level. The law sets the official workday at eight hours, although it may vary depending on industry. A 48-hour rest period is required during any seven-day work period. The regular workweek is 40 hours with premium pay for overtime. On January 1, amendments to the labor code adopted in 2019 that increased the limit on maximum overtime from 250 to 400 hours per year became effective. The code also provides for 10 paid annual national holidays. Under the amended code, overtime is to be calculated based on a three-year period, i.e., employees have a right to overtime pay only if, during a three-year period, they have worked an average of more than 40 hours per week. Observers noted the provision could allow employers to avoid paying overtime for work in one year by requiring employees to work less than full time during both or one of the two other years if it lowered their average workweek during the entire three-year period to 40 hours or less.

The Finance Ministry is responsible for the enforcement of wage and hour laws. The number of inspectors was sufficient to enforce compliance. Inspectors had authority to make unannounced inspections and initiate sanctions. The government effectively enforced minimum wage and overtime laws and penalties for violations were commensurate with those for other similar violations.

During the COVID-19 pandemic, the government passed regulations allowing employers and employees not to apply the prescriptions of the labor code in contracts and work schedules. Trade unions claimed the regulations were unconstitutional because they enabled employers to force disadvantageous

contracts upon employees and undermined their legal protections. As trade unions have no right of appeal to the Constitutional Court, they appealed to opposition parties to request constitutional review and in May 2020 filed a complaint with the ILO.

Occupational Safety and Health: Occupational safety and health standards are appropriate in main industries and occupational safety and health experts actively identify unsafe conditions in addition to responding to complaints. In March 2020 the government rewrote established occupational safety and health standards to include pandemic protection measures. The government shut down several economic sectors during the pandemic, including tourism, catering, and cultural activities. Workers continued to have the right to remove themselves from situations that endangered their health or safety without jeopardy to their employment, and authorities effectively protected employees in such situations.

The government effectively enforced occupational safety and health laws in the formal sector. Penalties for violations were commensurate with those for other similar offenses. Labor inspectors regularly provide consultations to employers and employees on safety and health standards. Labor laws also apply to foreign workers with work permits. The number of inspectors was sufficient to enforce compliance in the formal sector, and inspectors had the authority to make unannounced inspections and initiate sanctions.

The employment authority and the labor inspectorate units of government offices monitored and enforced occupational safety and health standards and labor code regulations. According to the Labor Protection Directorate of the Innovation and Technology Ministry, 20,366 injuries and 64 fatalities occurred at workplaces in 2020, a slight decrease from 2019. Most injuries occurred in the processing, manufacturing, transport and warehousing, health- and social care, education, and construction sectors. Most deaths occurred in the construction, processing, transport and warehousing, and agricultural sectors. In-depth inspections were announced, whereas other inspections based on an annual plan, reports of irregularities, spot-checks or follow-up inspections were unannounced. Measures taken against violators included penalties, suspensions, bans, and prescriptions to eliminate irregularities.

According to the Labor Supervision Directorate of the Innovation and Technology Ministry, which is responsible for enforcing the labor code, 71 percent of the inspected businesses violated labor regulations. Violations included illegal employment (19 percent) or reporting full-time workers as part-time employees (26 percent), which were typical in construction, agriculture, and catering; faulty recording of working-hours (30 percent); paying wages or overtime or not paying the minimum wage (13 percent); and other offenses (10 percent) which included delays in paying the last month's wage and providing necessary documents for terminated employees, violating annual leave regulations. Illegal employment was typical in construction, agriculture, and catering, whereas other violations were not linked to any specific sector. The Labor Supervision Directorate noted that the number of inspections decreased during the pandemic as spot-checks were limited and numerous businesses suspended their activities.

Informal Sector: Labor standards were not enforced in the informal economy.